

Ordinance No. 487

**An Ordinance to Amend Chapter 122 of the Code of the City of New Castle
to Modify Section 122-3, Establishing Violations and Penalties Relating to Firearms**

WHEREAS, the City Council of the Mayor and Council of New Castle desire to modify the fines established for violation of the City's Firearms Ordinance, Section 122-3.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the Mayor and Council of New Castle, the following:

SECTION 1: Chapter 122 of the Code of the Mayor and Council of New Castle is hereby amended to modify existing §122-1 and existing §122-3 so that such sections shall read, in their entirety, as follows:

§122-1 Firing or discharge of firearms prohibited.

Subject to the justification defenses set forth in Title 11 of the Delaware Code, the firing or discharge of any firearm, air rifle or pistol within the City of New Castle is hereby prohibited. For purposes of this Chapter, the following definitions shall apply:

- a. "Firearm" shall be defined as any small arms weapon, such as a rifle or pistol, from which a projectile is fired by gunpowder.
- b. An "air rifle or pistol" shall be defined as any low-powered rifle or hand gun, including but not limited to a BB gun, that uses compressed air or gas to fire small pellets.

§122-3 Violations and Penalties.

Any person who shall violate the provisions of §122-1 of this Chapter shall be fined not more than \$500 for a first offense. Persons who violate the provisions of §122-1 of this Chapter two or more times shall be subject to a fine of up to \$1,000 and imprisonment of up to one year for each such subsequent offense.

SECTION 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 3. Repealer. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage.

First Reading: April 10, 2012

Second Reading: April 10, 2012

Third Reading: May 8

Signed: _____
William Barthel, Council President

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Signed: _____
Michael A. Dickinson, City Clerk

Approved this _____ day of _____, 2012

Donald A. Reese, Mayor